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# Terrified Terrorists

Roger J. Miner '56

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Roger J. Miner  
U.S. Circuit Judge

Interfaith Memorial Service  
Congregation Anshe Emeth  
Sunday, September 16, 2001  
2:00 P.M.

Terrified Terrorists

We are met in memorial to those innocents who lost their lives because of their heritage as free men and women. We mourn them as heroes and martyrs, for they symbolize the freedoms that we all enjoy. These are the same freedoms the enemy seeks to eradicate. We will honor those who were murdered not as much by retribution as by maintaining our open, democratic society. For that is what the cowardly enemy fears the most.

Why does the hatred born of this fear lead them to such unspeakable acts? This is the question that has remained with me since a United States Marshal led me out of our Courthouse at Foley Square in New York City on Tuesday. Situated only a few blocks from the World Trade Center, I had heard the impacts and had seen the devastation from my chambers windows on the 22nd floor of my building. My view of the destruction was direct and unimpeded, and what I could see, and now wish I never had seen, will always be seared in my memory.

But I think the answer to my question is a simple one: The enemy fears our ideas -- the idea that a nation can be conceived in liberty and dedicated to the proposition that all persons are created equal; the idea of freedom of religion, speech and press; the idea that individuals have rights that protect them from arbitrary government action; the idea of independent courts to

vindicate the rights of citizens; the idea that a society can improve itself through the democratic process and do so on a continuing basis; the idea that free enterprise is beneficial to economic development; and the idea that people should govern themselves through freely elected representatives.

This last idea is not as fully understood as one might think, and I illustrate with a personal anecdote. Jackie and I were in the Sultanate of Oman earlier this year. Our guide in the capital city of Muscat advised that her small nation was a combination of monarchy and democracy. "How can that be?" we asked. She proceeded to explain that they elect representatives to their Parliament and then the Sultan decides who will take office.

The ideas that I have mentioned are anathema to the terrorists and the rogue states that harbor them. They cannot stand by and permit these ideas to flourish. That would give the lie to their claims that people are happiest when they live under totalitarian rule and must adhere only to the state religion. But make no mistake. There is no religion that urges its followers to kill innocent people purposely, randomly and enormously. There is no religion that trains its young people to die in suicide attacks against non-military targets. And there is no religion that cannot exist, side by side, in peace and harmony, with other religions. Only fanatics devoted to domination think otherwise.

Only fanatics devoted to domination deny that different

races, religions and ethnic groups can be part of a cohesive society. And only fanatics devoted to domination believe that a free and democratic nation is a weak nation. In that belief, they make a grave error. For they soon will see that a great and good people can also be a strong and determined people.

And there is one overarching idea that they fear the most -- the idea that our society is better in all ways than the one they propose for us. Our democracy has always strived to create an environment in which each individual can develop to the full extent of his or her ability and desire. We strive for beneficial change, we encourage experimentation, and we work for a better future for ourselves and our posterity.

We are a creative, resourceful and resolute people, and we have prospered accordingly. We are a nation of assimilated immigrants and their descendants, but we are all Americans. As such, we must be prepared to do what is necessary to protect for our descendants that which our forebears bequeathed to us. We must be ready, as were they, to devote our lives, our fortunes, our sacred honor, to safeguard this great nation and all it represents.

The events of last week may require our society to be less permissive, but they will never cause us to be less free. And therefore let this message go forth to the World -- that the Star Spangled Banner continues to wave -- over the land of the free and the home of the brave.

God Bless America!

## PERSPECTIVE

# What Terrorists Have Cause to Fear

BY ROGER J. MINER

*Editor's Note: The following remarks were made at an interfaith memorial service for victims of the terrorist attacks of Sept. 11 held at the Congregation Anshe Emeth in Hudson, N.Y. on Sunday, Sept. 16.*

**W**e are met in memorial to those innocents who lost their lives because of their heritage as free men and women. We mourn them as heroes and martyrs, for they symbolize the freedoms that we all enjoy. These are the same freedoms the terrorists seek to eradicate. We will honor those who were murdered not as much by retribution as by maintaining our open, democratic society. For that is what the cowardly enemy fears the most.

Why does the hatred born of this fear lead them to such unspeakable acts?

This is the question that has remained with me since a U.S. Marshal led me out of our courthouse at Foley Square in New York City on Tuesday (Sept. 11). Situated only a few blocks from the World Trade Center, I had heard the impacts and had seen the devastation from my chambers windows on the 22nd floor of my building. My view of the destruction was direct and unimpeded, and what I could see, and now wish I never had seen, will always be seared in my memory.

But I think the answer to my question is a simple one: The terrorists are terrified of our ideas — the idea that a nation can be conceived in liberty and dedicated to the proposition that all persons are created equal; the idea of freedom of religion, speech and press; the idea that individuals have rights that protect them from arbitrary government action; the idea of independent courts to vindicate the rights of citizens; the idea that a society can improve itself through the democratic process and do so on a continuing basis; the idea that free enterprise is beneficial to economic development; and the idea that people should govern themselves through freely elected representatives.

This last idea is not as fully understood as one might think, and I illustrate with a personal anecdote. Jackie [Judge Miner's wife] and I were in the Sultanate of Oman earlier this year. Our guide in the capital city of Muscat advised that her small nation was a combination of monarchy and democracy. "How can that be?" we asked. She proceeded to explain that they elect representatives to their Parliament and then the Sultan decides who will take office.

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terrorists and the rogue states that harbor them. They cannot stand by and permit these ideas to flourish. That would give the lie to their claims that people are happiest when they live under totalitarian rule and must adhere only to the state religion.

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Only fanatics devoted to domination deny that different races, religions and ethnic groups can be part of a cohesive society. And only fanatics devoted to domination believe that a free and democratic nation is a weak nation. In that belief, they make a grave error. For they soon will see that a great and good people can also be a strong and determined people.

**A**nd there is one overreaching idea that they fear the most — the idea that our society is better in all ways than the one *they* propose for us. Our democracy has always strive to create an environment in which each individual can develop to the full extent of his or her ability and desire. *We* strive for beneficial change, *we* encourage experimentation, and *we* work for a better future for ourselves and our posterity.

We are a creative, resourceful and resolute people, and we have prospered accordingly. We are a nation of assimilated immigrants and their descendants, but we are all Americans. As such, we must be prepared to do what is necessary to protect for our descendants that which our forebears bequeathed to us. We must be ready, as were they, to devote our lives, our fortunes, our sacred honor, to safeguard this great nation and all its representatives.

The events may require our society to be less *permissive*, but they will never cause us to be less *free*. And therefore let this message go forth to the World — that the Star Spangled Banner *continues* to wave — over the land of the free and the home of the brave.

God Bless America!

**Roger J. Miner**  
U.S. Circuit Judge

U.S. Court of Appeals for the Second Circuit

Roger J. Miner  
U.S. Circuit Judge

Remarks to be delivered by videotape on November 16, 2001 for  
Ceremonies Celebrating Howard Munson's 25th year as a Federal Judge

Hello, Howard! I am sorry that I could not make it to the party celebrating your 25th year on the bench, but I am happy to have this opportunity to send you this personal message of congratulations and best wishes.

You were Chief Judge of the Northern District when I was appointed to the District Court twenty years ago. You presided over my Investiture ceremony, and you gave me many helpful hints about life on and off the federal bench. I very much appreciated your help in getting me started. With my appointment, the active Judges of the Court were Munson, McCurn and Miner, the three M's; Judges Foley and Port were the Senior Judges then. I guess before I came the active bench consisted of the M & M's. (I just thought of that). Anyway, you were a great Chief Judge and I very enjoyed serving under your leadership during my 4-year tenure in the Northern District. In the Federal Court System, a great Chief is one who takes on all the administrative duties and doesn't bother the other judges too much. We call him "the sucker."

You have been a great judge because you are a humanist judge. Your concern always has been for people, and your compassion has made you the outstanding jurist that you are. You always followed the law, but you always had an eye out for the human condition and a sensitivity for individual litigants. I

well remember the day you came into my chambers with tears in your eyes during a break in a case after you heard testimony from a woman who knew she was about to die. You are one of my favorite people because you are one of the nicest people in the world -- always smiling, always in good humor, always upbeat -- it's enough to make a person nauseous.

I do remember the good times we had together after court hours but will not review again the week I spent with you in Utica one night. Jackie and I always enjoyed being in the company of you and your beloved Ruth of blessed memory, and I know that you miss her more than words can say.

You participated in my Investiture as a Judge of the Second Circuit Court of Appeals sixteen years ago, and I still remember very well your kind words and observations at that time. I now return the favor by a few observations of my own on the occasion of your 25th Anniversary as a member of the Federal Judiciary.

Howard, you may not be considered old by today's standards, but if you were a car, it would be very hard to find parts for you. To me, you look the same as you did twenty years ago, which shows how bad you were then. I must say that the years have been kind to you -- it's the months in between that have knocked you to pieces. Somebody told me that you were out for a walk this summer at your camp when a frog jumped in front of you and said: "Kiss me, and I'll turn into a beautiful princess that you can have." You put the frog in your pocket and said: "At this age, I'd rather have a talking frog." At your most recent birthday party, a girl jumped out of the cake and said to you: "Would you like some super sex?" You said: "I'll take the soup." At this

stage of life, you certainly know where it's at -- you just have forgotten why it's there.

Your wisdom on the bench is a joy to behold. As the circus owner once said of the human cannonball, it is hard to find a man of your caliber. When you sentenced an 80-year-old man to a 30-year term and he said he could not do so much time, you said: "Do as much as you can." When you advised a man of his right to an attorney and he said that God was his lawyer, you told him to get someone locally. When a plaintiff testified that the injuries he sustained in a fall from a loading platform prevented him from having marital relations more than four times a week, you asked him for the location of the loading platform.

Seriously, I am most proud to have you as a friend. I greatly cherish your support and encouragement over the years. I really never have seen you to be anything other than cheerful and good-natured. I am always happy to see a car with PENN 48 in the courthouse parking lot, because I know you will be around to brighten the day. You're a good, steady, reliable judge, just as you were a good, steady and reliable practicing lawyer. Aside from your outstanding knowledge of, and feel for, the law, you have impeccable judgment. And that is what distinguishes a great judge from a good judge. You are a great judge, and the people of the Northern District are indeed fortunate to have had you in their service for the past 25 years. Jackie joins me in wishing you good health, good luck and many, many more years in doing the work that you love.

God bless you, Howard.